

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AARON SENNE, et al.,  
Plaintiffs,

v.

KANSAS CITY ROYALS BASEBALL  
CORP., et al.,  
Defendants.

Case No. 14-cv-00608-JCS

**ORDER FOR ADDITIONAL  
INFORMATION IN SUPPORT OF  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS ON APPEAL**

Re: Dkt. No. 1162

Mr. Jaquel Pitts seeks leave to appeal in forma pauperis the Court's decision denying his request to be registered as a member of the Plaintiff class. For the reasons stated below, the Court is unable to determine if Mr. Pitts is indigent and therefore requests that he supply a more detailed affidavit in support of his application.

An indigent party who cannot afford the expense of pursuing an appeal may file a motion for leave to proceed in forma pauperis. Fed. R. App. P. 24(a); 28 U.S.C. § 1915(a)(1). Pursuant to Federal Rule of Appellate Procedure 24(a), "a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court." The party must attach an affidavit that (1) shows "in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;" (2) "claims an entitlement to redress," and (3) "states the issues that the party intends to present on appeal." Fed. R. App. P. 24(a)(1). Even if a party provides proof of indigence, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). An appeal is in "good faith" where it seeks review of any issue that is "non-frivolous." *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). An issue is "frivolous" if it has "no arguable basis in fact or law." *See O'Loughlin v. Doe*, 920 F.2d 614, 617 (9th Cir. 1990).

Here, Mr. Pitts has filed an affidavit using the Ninth Circuit's Form 4. In it, he states:

I am a former foster youth and I currently have no income. I have attached a signed and dated document classified as Spero appeal. I suffer from emotional disturbance. I am currently unemployed. I do not own a vehicle. I am considered homeless.

Dkt. 1162-1. However, he has left blank most of the questions on Form 4. While the statements in the affidavit appear to suggest that Mr. Pitts is indigent, the Ninth Circuit rule, quoted above, expressly requires that an applicant provide the detailed information described in Form 4 to establish indigence. Therefore, Mr. Pitts is instructed to file, within thirty (30) days, an amended Form 4 affidavit that provides the detailed information requested in that form in support of his application.

The Clerk is instructed to serve this Order on Mr. Pitts by email and by United States mail to the return address on dkt. 1161-6.

**IT IS SO ORDERED.**

Dated: January 3, 2023

  
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JOSEPH C. SPERO  
Chief Magistrate Judge